

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date: ~~10-16-73~~, by Deft. ²⁵⁻⁷³

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>PETER J. BRENNAN, Secretary of Labor, United States Department of Labor</p> <p>vs</p> <p>BOULDER PARK CORPORATION</p> <p>MAYFAIR CORPORATION, - d/b/a - BOULDER PARK APARTMENTS (amended 6/10/74)</p> <p>TULSA APARTMENTS COMPANY, a corporation, d/b/a BOULDER PARK APARTMENTS, JOHN E. SCALLY, an individual, d/b/a HOTEL SERVICE COMPANY, and CHARLES H. ALBERDING, an individual</p>		<p>For plaintiff:</p> <p>William J. Kilberg George T. Avery James E. White, Jack Ostrander U. S. Department of Labor 7C52 Federal Building, 1100 Commerce S Dallas, Tx. 75202 214-749-3482</p> <p>For defendant:</p> <p>Jan Eric Cartwright ³⁹ P. O. Box 1906 Muskogee, Okla. 74401 St Capitol</p> <p>Phil Frazier 1424 Terrace Drive Tulsa, Okla. 74104</p>					
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 10-1-73	Clerk						
J.S. 6 mailed 7-1-75	Marshal						
Basis of Action: Fair Labor Standards Act of 1938 as amended	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-20-73	Complaint, filed. Summons issued. g	
10-15-73	U.S. Mars. ser. ret. & filed. Served Summons & Complaint upon C.H.	
10-16-73	Answer, filed. g -JURY TRIAL REQUESTED BY DEFT.	
11-6-73	Motion of plaintiff to strike def's request for jury trial filed.h	
11-6-73	Brief in support of motion for order striking jury request filed.h	
11-6-73	Minute Order: Def granted 10 days to respond to pltf's motion to strike.(AEB-J)h	
11-15-73	Defendant's response to plaintiff's motion to strike defendant's request for jury trial, filed. ds	
2-5-74	Order, filed, sustaining Pltf's mot. to strike deft's request for Jury trial. (AEB-J)v -cps. mld.	
3-1-74	MO: Parties are directed to hold PT conference prior to 4-5-74 and file PT order not later than 4-12-74. (AEB-J)v	
3-26-74	Plaintiff's interrogatories, filed. ds	
4-12-74	Mot. of Pltf. for continuance for filing pretrial order, filed. v <i>etc j</i>	
4-12-74	Notice of motion to amend complaint, filed. v	
4-12-74	Motion to amend complaint, filed by Pltf. v <i>etc j</i>	<i>(77 written to send 05-11)</i>
4-12-74	MO: Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltf's Motion to Amend Complaint. (AEB-J)v	
4-19-74	ORDER, filed, granting pltf's Motion to Amend Complaint. (AEB-J)e <i>copy mld</i>	
4-19-74	ORDER, filed, granting pltf Extension of Time until May 12, 1974, to file proposed pre-trial order. (AEB-J)e <i>copy mld</i>	
4-19-74	Plaintiff's AMENDED COMPLAINT, filed. e <i>copy mld</i>	
6-6-74	Motion of pltf. to amend complt., filed. (proposed 2nd am. compl. attached) rm <i>etc j</i>	
6-6-74	Notice of mo/amend complaint, filed. rm	
6-10-74	Order, filed, granting pltf. mo/amend complaint. (AEB-J)rm	
6-10-74	Second amended complaint, filed. Summons issued to new parties. rm	
6-10-74	Request for admissions by pltf. to defs., filed. rm	
6-10-74	Interrogatories propounded by pltf. to def. Scally, filed. rm	
6-10-74	Interrogatories propounded by pltf. to def. Alberding, filed. rm	
6-21-74	Marshal's return on service of amended comp. & interogs; served Charles H. Alberding 6-14-74 and John E. Scally 6-20-74. (WSM \$14.28)g	
7-18-74	Ans. by John E. Scally to interrogatories, filed. g	
7-18-74	Ans. to second amended complaint, with CROSS COMPLAINT, filed. g	
7-18-74	Obj. to pltf's interogs to deft. Chas. H. Alberding, filed. g	
7-18-74	Defts' response to pltf's request for admissions, filed. g	
7-29-74	Pltf's Motion to dismiss def's cross-complaint, filed.k <i>etc j</i>	
7-31-74	MO: It is ordered by the Court that defts. are granted 10 days to respond to Pltf's Motion to dismiss defts' Cross-Claim. (AEB-J)k cps mld.	

~~JUDGE BARROW~~
COOK

73-C-309

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-6-74	Response to Mtn. to Dismiss Deft's Cross-Complaint, filed.jj	
8-6-74	Order, filed, that pltf's Mtn. to dismiss defts' Cross-Complaint, is hereby granted. (AEB-J)jj	
8-19-74	Mot. of pltf. for ext. of time to file pre-trial order, filed. g	
8-19-74	Pltf's second request for admissions, filed. g	
8-19-74	Notice of motion and Motion to compel answers to pltf's interogs. of deft. Charles H. Alberding, filed. g	
8-19-74	Memorandum in support of mot. to compel answers to interrogatories of Charles H. Alberding, filed. g	
8-21-74	Order, filed, extending the date for filing proposed pre-trial order. (AEB-J)g	
8-28-74	Ordered that pltf's motion to compel answers to pltf's interrogatories of deft. Charles H. Alberding is referred to Mag. Bradford for recommendation. (AEB-J)hm	
9-4-74	Hearing held on Plaintiff's Motion to Compel answers to pltf's interrogatories of deft. Charles H. Alberding before Magistrate M. L. Bradford. Parties represented. It is recommended that pltf's Motion be overruled. Defendant counsel is to prepare F&R and formal Proposed Order within ten (10) days. (MLB-MAG)k	
10-23-74	Findings and recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed) - holding order in 10 days - O to 9/11-5-74	
11-6-74	Pltf's Interrogatories to deft. Alberding, filed.k	
11-7-74	Order, filed, that Pltf.'s Motion for Defts. to ans. interogs. is overruled. (AEB-J)v -copies mailed.	
12-26-74	Answers to plaintiff's interrogatories, filed. hm	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
2-6-75	Case set for pre-trial hearing on 2-25-75 at 10:45 a.m. (HDC-J)hm	
2-25-75	Pre-trial hearing held. Phil Frazier enters appearance as counsel for defts. Statements made. Pltf. granted leave to substitute Joe Scally for John E. Scally as party deft. Pltf. to prepare stipulation so stating. Deft. to prepare stip. of facts relating to only issue to be resolved & submit to Pltf. by 3-5-75. Stip. or any objections thereto by pltf. to be filed by 3-10-75. Pltf. to send report to Court by 3-10-75 stating whether case needs to be tried or whether any addit. discovery is needed. Court states if parties cannot settle, case will be tried in April to the Court. Pre-trial order to be filed if stipulation states case to go to trial. (HDC-J)hm	
6-5-75	Stipulation of parties of compliance, filed. rm	
6-5-75	Order of dismissal, filed and entered, dismissing at defts' costs. (HDC-J)hm (copies mailed)	

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DATE	PROCEEDINGS	Date Order or Judgment Note
7-25-75	Bill of Costs, filed by Pltf. Hrg. to be 8-8-75 at 11:00 a.m. v	
11-10-75	Costs taxed in amt. of \$33.76 in favor of pltf.(JCS-C1k)rm	